



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

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4WD-RCRA/FFB

Mr. P.A. Rakowski, P.E.
Head
Environmental Programs Branch
Environmental Quality Division
Atlantic Division
Naval Facilities Engineering
Command
Norfolk, Virginia 23511-6287

RE: MCB Camp Lejeune National Priorities List Site;
Navy Letter Dated February 11, 1992

Dear Mr. Rakowski:

In recent weeks there has been a disturbing series of letters and telephone conversations between personnel in our respective offices. These have concerned the adequacy and need for certain primary documents related to the remedial activities for the Hadnot Point Industrial Area (HPA). The Environmental Protection Agency (EPA) remedial project managers (RPMs) have made every effort to provide the Navy's RPM with the most current and appropriate guidance in meeting the Navy's obligations under the Federal Facility Agreement (FFA) and CERCLA Section 120. The recent statements by the Navy's RPM that they will not respond to EPA comments submitted after October 23, 1991, is not a positive and cooperative means of conducting business, nor will it assist the Navy in meeting it's obligations and the requirements of the National Contingency Plan (NCP).

The issue revolves around having recently advised the Navy that a Feasibility Study will be required for the HPA shallow soils and deep aquifer operable unit. It is recognized that EPA earlier advised the Navy, in consideration of the risk range calculated for human exposure to the soils that a Feasibility Study would not be necessary. Our advice was based upon draft guidance which was in development at that time and reflected our sincere interest in the efficient utilization of the Navy's time and resources. However, the guidance has been clarified by EPA Headquarters. Even in situations where risks to humans may fall within the acceptable risk range of 10×10^{-4} to 10×10^{-6} , any Record of Decision (ROD) for a NPL Site with a risk over 10×10^{-6} must have a feasibility study conducted. Such feasibility studies may take into account mitigating factors, such as institutional controls, in support of a "no remedial action" alternative.

In light of this change, and in the interest of assisting the Navy in arriving at an acceptable and defensible ROD, EPA provided the Navy with updated and thorough comments on the previously

submitted Draft Feasibility Study Report for HPIA. These comments will assist the Navy to proceed with the submission of a Draft Final FS in accordance with the terms of the FFA.

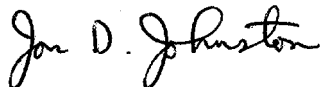
EPA is willing to stand by judgements made by its' staff where the discretion is provided to make such judgements. Given the complexity and continuing development of national policy in the area of human risk assessment and its role in making remedial action decisions, EPA must reserve the right to make corrections to such judgements where necessary. While EPA shares your belief in adherence to the schedules in the FFA and strives to expedite them wherever possible, the EPA cannot agree to perpetuate any inadequacies and continue to move toward an unacceptable ROD just to maintain schedules.

Therefore, in order to meet the regulatory requirements of the NCP, the Navy must consider all of EPA comments on the Draft FS. The Navy must comply with the NCP, regardless of the timing or accuracy of any comments. Normally, in accordance with the FFA, the Navy should have submitted a Draft Final FS Report to EPA and the State within sixty (60) days of the end of the original comment period (October 23, 1991). In consideration of the earlier EPA comments and the changes in the guidance in this case EPA will accept the submission of the Draft Final FS Report within sixty (60) days of the Navy's receipt of the latest comments on the FS Report.

My staff will continue to work closely with the Navy to ensure that time lost at this point can be regained in order to arrive at timely Final RI/FS Reports, Proposed Plans and RODs. Our continued mutual efforts are needed so that these are defensible and in full compliance with the NCP and current national guidance. Such cooperation is in the spirit and intent of the FFA.

If you would like to meet with me or my staff to further discuss this matter, please contact me or Mickey Hartnett, Acting Chief, DoD Remedial Section at (404) 347-3016.

Sincerely yours,



Jon D. Johnston, Chief
Federal Facilities Branch
Waste Management Division

cc: Nina M. Johnson, NAVFACENGCOM LANTDIV
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